

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**RHONDA WILLIAMS,**

**Plaintiff,**

**-v-**

**USABLE LIFE**

**Defendant.**

**Case No. 3:12-cv-400**

**Judge Thomas M. Rose**

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**ENTRY AND ORDER OVERRULING WILLIAMS' MOTION FOR  
ATTORNEYS' FEES AND COSTS (Doc. #31) WITHOUT PREJUDICE TO  
RENEWAL AFTER APPEALS PROCESS IS COMPLETE**

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Now before the Court is a Motion for Attorneys' Fees and Costs brought by Plaintiff Rhonda Williams ("Williams"). (Doc. #31.) Therein, Williams seeks the attorneys' fees and costs associated with her action for benefits associated with an ERISA plan. Defendant USABLE Life ("USABLE") has responded to Williams' Motion and Williams has replied. Therefore, Williams' Motion for Attorneys' Fees and Costs is ripe for decision.

This Court granted Williams' Motion for Judgment On the Administrative Record and remanded the matter to USABLE for payment of "own occupation" long-term disability benefits to Williams. (Doc. #29.) On November 26, 2013, USABLE appealed this decision to the Sixth Circuit (doc. #32, Sixth Circuit case no. 13-4414) and the appeal has not yet been decided.

Williams now argues that she is entitled to attorneys' fees for "her clear and unambiguous victory" in this case, and that she is entitled to the payment of prejudgment interest. USABLE responds that the Court should stay its fee decision until after the Sixth Circuit concludes its review, that Williams is not entitled to attorneys' fees and that the Court does not

have jurisdiction to determine Williams' request for prejudgment interest.

Williams may be entitled to some attorneys' fees and costs or no attorneys' fees and costs following the appeals process. Therefore, since the appeals process is not yet complete, a decision on this matter now would be premature.

Further, this Court fails to see how it has lost jurisdiction to determine what, if any, prejudgment interest may be due. However, like the attorneys' fees and costs, a decision on this issue is premature pending completion of the appeals process.

Therefore, Williams Motion for Attorneys' Fees and Costs and request for prejudgment interest (doc. #31) is overruled now without prejudice to renewal following completion of the appeals process.

**DONE** and **ORDERED** in Dayton, Ohio this Twenty-Third Day of December, 2013

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record